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## TELEFAX

**Date:** March 15, 2006

**Total pages:** 16 including cover

**To:** US PTO

**Telephone:**

**Telefax:** 571-273-8300

**From:** Michael Terapane

**Telephone:** 404-879-2155

**Telefax:** (404) 879-2160

**Our Docket No.** FEM 104

**Your Docket No.**

**Client/Matter No.** 077049/00010

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### MESSAGE:

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Gerianne Tringali DiPiano and Peter Kevin Mays

**Serial No.:** 10/751,056

**Art Unit:** 1617

**Filed:** January 2, 2004

**Examiner:** Jennifer M. Kim

**For:** *PHARMACEUTICAL PREPARATIONS FOR TREATMENTS OF DISEASES AND DISORDERS OF THE BREAST*

#### Attachments:

Transmittal Form PTO/SB/21

Fee Transmittal Form PTO/SB/17

Petition to Correct Inventorship Under 37 C.F.R. 1.48(a) and 1.48(b)

Executed Statement by John Ziemniak

Executed Declaration

Power of Attorney and Correspondence Address Indication Form

Executed Consent to Correct Inventorship with attached Statement Under 37 C.F.R.

3.73(b) with copy of Assignment

Supplemental Application Data Sheet

{45065267.1}

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/751,056	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>MAR 15 2006</b>
	Filing Date	January 2, 2004	
	First Named Inventor	Gerianne Tringali DiPiano	
	Art Unit	1617	
	Examiner Name	Jennifer M. Kim	
Total Number of Pages in This Submission	15	Attorney Docket Number	FEM 104

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Correct Inventorship <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Executed Statement by John Ziemniak; Executed Declaration; Executed Consent to Correct Inventorship; Statement Under 37 C.F.R. 3.73(b) with copy of assignment; Supplemental Application Data Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Pabst Patent Group LLP		
Signature	<i>Michael Terapane</i>		
Printed name	Michael Terapane		
Date	March 15, 2006	Reg. No.	57,633

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Carla Stone</i>		
Typed or printed name	Carla Stone	Date	March 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (01-08)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# **FEE TRANSMITTAL**

## **For FY 2006**

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

### Complete if Known

Application Number 10/751,056  
Filing Date January 2, 2004  
First Named Inventor Gerianne Tringali DiPiano  
Examiner Name Jennifer M. Kim  
Art Unit 1617  
Attorney Docket No. FEM 104

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MAR 15 2006

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☒ Deposit Account Deposit Account Number 50-3129 Deposit Account Name Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Fee (\$) 50  
Small Entity Fee (\$) 25

Each independent claim over 3 (including Reissues)

Fee (\$) 200  
Small Entity Fee (\$) 100

Multiple dependent claims

Fee (\$) 360  
Small Entity Fee (\$) 180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x =

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition to Correct Inventorship

\$130.00

#### SUBMITTED BY

Signature *Michael Terapane* Registration No. 57,633 Telephone 404-879-2155  
Name (Print/Type) Michael Terapane Date March 15, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerianne Tringali DiPiano and Peter Kevin Mays

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MAR 15 2006

Serial No.: 10/751,056

Art Unit: 1617

Filed: January 2, 2004

Examiner: Jennifer M. Kim

For: *PHARMACEUTICAL PREPARATIONS FOR TREATMENTS OF DISEASES  
AND DISORDERS OF THE BREAST*

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. §§ 1.48(a) AND 1.48(b)**

Sir:

As authorized under 37 CFR § 1.48(a), applicants respectfully request amendment of the above-identified application to add John Ziemniak as a joint inventor in the above-identified application. The requested and correct inventorship is as follows:

1. Gerianne Tringali DiPiano
2. Peter Kevin Mays
3. John Ziemniak

Pursuant to 37 C.F.R. § 1.48(a), submitted with this petition are:

1. Executed Statement by John Ziemniak pursuant to 37 C.F.R. § 1.48(a)(2), stating that the error occurred without deceptive intent on his part;

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U.S.S.N. 10/751,056

Filed: January 2, 2004

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

2. Executed Declaration by actual inventors Gerianne Tringali DiPiano, Peter Kevin Mays, and John Ziemniak as required by 37 C.F.R. § 1.63.

3. Executed Power of Attorney and Correspondence Address Indication Form by assignee FemmePharma Holding Company, Inc.

4. Executed Consent to Correct Inventorship by assignee FemmePharma Holding Company, Inc., with attached Statement Under 37 CFR §3.73(b) and a copy of the executed Assignment of rights from John Ziemniak to FemmePharma Holding Company, Inc.;

5. Fee Transmittal;

6. Permission to charge \$130.00 to Deposit Account No. 50-3129 to cover the fee required under 37 C.F.R. § 1.17(i); and

7. A Supplemental Application Data Sheet, which names all of the inventors.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-3129.

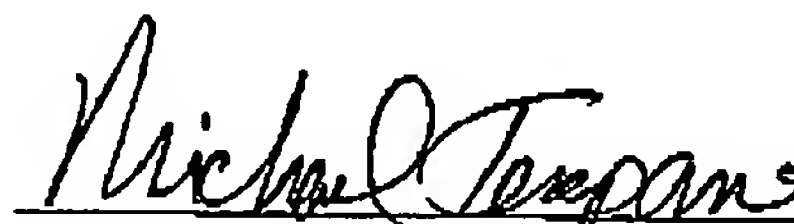
U.S.S.N. 10/751,056

Filed: January 2, 2004

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

Having fulfilled the requirements of 37 C.F.R. § 1.48(a), applicants respectfully request that this Petition to Correct Inventorship be granted and that the above-identified application be amended to name the actual inventors.

Respectfully submitted,



Michael J. Terapane, Ph.D.

Reg. No. 57,633

Date: March 15, 2006

PABST PATENT GROUP LLP  
400 Colony Square, Suite 1200  
1201 Peachtree Street  
Atlanta, Georgia 30361  
(404) 879-2155  
(404) 879-2160 (Facsimile)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerianne Tringali DiPiano and Peter Kevin Mays

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Serial No.: 10/751,056

Art Unit: 1617

**MAR 15 2006**

Filed: January 2, 2004

Examiner: Jennifer M. Kim

For: *PHARMACEUTICAL PREPARATIONS FOR TREATMENTS OF DISEASES  
AND DISORDERS OF THE BREAST*Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145**STATEMENT BY JOHN ZIEMNIAK PURSUANT TO 37 C.F.R. § 1.48(a)(1)**

Sir:

I, John Ziemniak, hereby state that I am, along with Gerianne Tringali DiPiano and Peter Kevin Mays, a co-inventor of the above-identified application. The inventorship of the above-identified application was set forth in error in that I was not named as a co-inventor. I hereby state that the error in inventorship occurred without deceptive intent on my part.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

Feb 2, 2006  
John Ziemniak

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FEM 104  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerianne Tringali DiPiano and Kevin Peter Mays

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**MAR 15 2006**

Serial No.: 10/751,056

Art Unit: 1617

Filed: January 2, 2004

Examiner: Jennifer M. Kim

For: *PHARMACEUTICAL PREPARATIONS FOR TREATMENTS OF DISEASES  
AND DISORDERS OF THE BREAST*

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. § 1.48(a)(5)**

Sir:

As assignee of record of the interest of the above-identified application, as demonstrated by the attached Statement Under 37 C.F.R. § 3.73(b) and Assignment, consent is hereby granted to correct inventorship of the above-identified application to add John Ziemniak as a joint inventor.

The error in inventorship was made without deceptive intent on the part of  
FemmePharma Holding Company, Inc.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such

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FEM 104  
077049/10



U.S.S.N. 10/751,056

Filed: January 2, 2004

**CONSENT TO CORRECT INVENTORSHIP**

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**FemmePharma Holding Company, Inc.**

Date:

January 30, 2006

Name:

Gerianne Tringali DiPiano

Title:

President and CEO

Signature:

Gerianne Tringali DiPiano